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A PAPER

ON THE MILITIA,

PRESENTED TO

THE HON. JAMES BARBOUR, SECRETARY OF WAR,

IN NOVEMBER, 1826,

BY WILLIAM H. SUMNER,

ADJUTANT GENERAL OF THE MILITIA OF MASSACHUSETTS.

Taken from the documents submitted to the Board of Officers relative to the
RE-ORGANIZATION OF THE MILITIA.

As auxiliary to a regular force, and a substitute for a large one in
time of peace, a well disciplined Militia forms an essential part of a
Republican System.—*President Madison.*

WASHINGTON, D. C.

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TO THE READER.

THAT a well organized Militia, in a country like ours, is both necessary and politic, it is presumed no one will question or deny ; and that ours is not in the state of organization and discipline in which it might and ought to be, is equally unquestionable and undeniable.—The present Militia Law is that passed by Congress in 1792, during the Presidency of the man “ FIRST IN WAR, FIRST IN PEACE, AND FIRST IN THE HEARTS OF HIS COUNTRYMEN.” The country had then recently emerged from a perilous but successful contest for liberty and independence ; and with a population not much exceeding 4,000, 000, had entered on the experiment of a free Republican Government : the system of discipline prescribed by this Law was that prepared by Baron Steuben, and adopted by the Congress of 1779 ; it was subsequently altered as circumstances required, and is now settled down upon that established for the army. The subject of re-organization has repeatedly been recommended to the consideration of Congress, by the several Presidents, and by Committees of both Houses : no very important action was had, however, until the summer of 1826, when the Secretary of War, the Hon. JAMES BARBOUR, addressed a Circular Letter to the Governors of the several States and Territories, and to prominent individuals residing in various sections of the Union, inviting them to communicate their sentiments on the subject of the Militia, with a view to such ulterior action as circumstances might warrant and require.—Many very valuable papers, and much statistical detail were, in return, thrown upon his hands ; and he forthwith summoned a Board of Officers of the Militia from different States, to which were added several highly distinguished Officers of the Army. This Board assembled in Washington, in November 1826 ; and after mature deliberation upon the subject, made a very able re-

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MILITIA OF THE UNITED STATES.

THE Forces of the United States consist of three distinct bodies; the Army, the Navy, and the Militia. These should be so organized and arranged, as to co-operate harmoniously and effectually, in all times of emergency, for the promotion of the public security. To this end, the relation in which each stands to the others, should be distinctly marked, and the rank of the several corps, and authority of the officers, in the various combinations which may exist, accurately defined. This would be productive of that good feeling and concert among them which is essential to give the greatest effect to the strength exerted. It would also tend to the introduction of that just subordination among the officers, to the want of which, some of the principal disasters to the American arms during the last war may be fairly attributed. The recollection of these points out the necessity of providing against their recurrence; and, united with other considerations, leads to an inquiry into the mode by which the national strength can in future be exerted so as to produce a moral certainty of its accomplishing the designs of the Government.

It is not in my view, in the pursuit of this inquiry, nor do I conceive it to be necessary to the attainment of its end, to suggest any alterations in the system of Government already adopted for the regulation of the Army or Navy. Since their establishment, the melioration of both these arms of defence has been constant, and they may now be considered to be in as good a condition as the resources of the country, and the sentiments of the people respecting them, will permit. Yet, their connexion with the Militia, which the just jealousy of a Republican Government will teach it to rely upon as the principal means of defence, authorizes the remark, that it is but a few years since public opinion, upon the utility of maintaining either an Army or a Navy in a time of peace, was greatly divided. There is now a perfect union of sentiment in their favor. If, from a demonstration of their utility in war, the necessity of improving

their condition in a time of peace, was made apparent, ought we not to inquire whether our experience does not point out the necessity of making such improvements in the condition of the Militia, as will enable the public to calculate with more certainty upon the result of its efforts? While it is admitted that some of the brightest gems have been set in the crown of our national glory by the Militia, and that, when its forces were well directed, both in the war of the Revolution, and the national war, its achievements were the wonder of nations, yet, it must be confessed, and the attempt to conceal it would be the reverse of patriotism, that often, too often, have its defeats subjected the country to much loss, and the people to severe calamities. If this is attributable to the want of intelligence and military skill among the officers, of discipline among the privates; or has arisen from the inadequacy of the provisions which are made for their regulation, government, and instruction, a remedy should be sought for and applied.

The Militia of the United States, as a body, is probably superior to that of other Powers: But, that it is not what the theory of the institution intended; nor, what the important reliance placed upon it requires it should be; nor, what the general intelligence of the people of which it is composed, ought to make it; is equally true. The militia of some countries is composed of ignorant peasants, who, from their circumscribed limits of association, seldom understand the application of any utensil but to the objects of their daily industry; or of uneducated artisans, who are learnt one trade, or a branch of it, only—and who, consequently, are ignorant of the design of all instruments, but those which belong to their own art. Having no knowledge of the use of fire-arms, they probably would have more apprehension from them in their own hands, than in their enemies'. They have no idea of the order of military organization, nor of the safety derived from that confidence in others, which all feel who know the mutual dependence of an Army. Such are never brought into service as a militia, in the American sense of the term, to act, of themselves, and by themselves; to rally, fight, disperse, and form again, to harass and annoy the invading foe. They have not the capacity and pre-requisite information to enable them to do it. Thousands of such would make no militia; they would be a mere throng, acting without concert or combination, and doing more injury to them they were called to protect, than to those they are assembled to oppose. These make good recruits for an army, or, what is the same thing in discipline, for the incorporated militia, as they are brought up in those habits of subserviency which make them ready proficient in acquiring the whole duty of a soldier as comprised in the single word obedience. It is true, they may besides learn to suffer, but their officers will teach them

how to act. Individual intelligence and sagacity is of comparatively but little importance to a soldier in the regular forces. In an Army, the extent of the departments of science and skill are proportionate to its strength and objects. Every department has its own organization, and is responsible for its own acts. The whole body is dependent on each, and the failure of one produces the overthrow of the rest. The Army has its engineers and pontoniers, its pioneers and artificers, its armorers and gunners; all assigned to their distinct duties; every thing in it is conducted according to methodical arrangement. The soldier exercises no volition, and skill is not required of him. Not so the militia man. In America, he belongs to a class of society, which, if it ever engages in war, does it for the defence of its possessions; and not to that which resorts to its occupations for its daily sustenance. Recruits for the regular service are seldom procured among the best citizens of the community. The militia is what is left after society is purified by army enlistments. In the militia-man, knowledge is pre-supposed. In him, quickness of apprehension, sagacity in discovery, enterprise in undertaking, cunning in means, and perseverance in execution, are common qualities. The degree of information acquired at schools, and the habits of instruction and practice in the mechanical arts, have extended the inquiries of our youth to many objects which, in Europe, would be confined to one. Here, the apprentice is not taught to do only one thing; his instruction is not confined to one trade, the use of one instrument, the making of a part of a machine, or the combining of those which are made by others. Hitherto, the cheapness of land, and the lightness of the taxes, as a principal cause, has prevented that advancement in the arts, which confines the attention of men to a single object: consequently, not only one, but the whole of the parts of a common weapon, utensil, or machine, are made and put together by one person, and he also manufactures others, equally well; and, after they are completed, is perhaps as skillful in their use as the mechanic or handicraftsman for whom they were designed. The fertility of the soil has, at the same time, made such a confluence of unprovided population in the new settlements, that wants are accumulated beyond means. Hence, hardships are sustained, risks are encountered, and fatigues endured, which give strength, activity, and fortitude; invention is stimulated, and means are adopted which nothing but the wit of necessity could devise. The militia man thus learns to do every thing for himself; and, in doing it, so far from discovering any mortification at the necessity which requires it, draws pride and satisfaction in feeling that degree of independence which arises from the discovery of the ability he possesses, so far to provide every thing for himself, as not to depend for any

thing on others. The sagacity which our yeomanry who compose the great body of the militia, are thus obliged continually to exercise, in the discovery of expedients, and the necessity the mechanics are under of making and combining all the parts of a machine, and putting it in motion, naturally puts the mind of the agent upon the inquiry how the same result can be accomplished by fewer processes. In this, such ability has been discovered, as has attained for the Americans great celebrity for their inventive powers. It is by the stretch of this faculty, united with the habit of self-dependence, that the militia man is enabled to provide substitutes for every thing which is wanting and necessary. He thus has the means of moving and acting, when others would suffer or be at rest. Understanding the application of the common mechanic arts to the useful purposes of life, he is able to make roads and bridges without pioneers or engineers. He will make boats and rafts without pontoniers. He will repair his own fire-arms without the aid of an armorer, and a gun-carriage without a wheelwright. He understands all the means of transportation and supply. In the forest, where he cannot shew his skill in foraging, he will hunt for his food, or obtain it by fishing in the streams. He understands the management of a boat, either by rowing or sailing, and for the want of one, can swim. He can ride and manage a horse, and repair his harness and equipage. He uses the axe, the saw, and the hammer, with as much ease as the mattock and spade; and the lever and the screw are in daily use. The weapons of war he is as familiar with as the utensils of husbandry. Muskets and rifles are in every house, and he is practised in their use, either as a hunter in the forest, in his sports, or militia exercises. The general diffusion of education has given him even higher advantages. He can read, write, and compute, and, in every thing he undertakes, feels that pride of exertion which nothing but the fullest confidence in the importance of his own services could give.

To the general and local knowledge, mental sagacity, and physical strength which the people possess, the moral character must be added as more important than either. The effect of liberal systems of instruction, and that freedom of action which freedom of thought produces, has inspired the American People with a moral feeling and conduct, which, added to their other distinguishing qualities, enables them to furnish a better material for an efficient militia than is elsewhere possessed. Their habits of self-restraint teach them not to want what they have it not in their own power to procure. But though a patient, they are a spirited and enterprising people, and will incur any risk for a desirable object. They are a free people, who justly think their own condition better than that

of any other ; a proud people, " alive to honor, and sensitive to disgrace ;" a considerate people, who act more from judgment than from impulse ; an educated people, who understand how much they have at stake ; an intelligent people, who know how to prize it ; a skilful people, who can devise the means of their own security ; and a brave and patriotic people, who will hazard and suffer every thing in support of it. Such a people, content with the victory, without aiming at the glory of it, if their energies are well directed, will constitute a most harassing power to an enemy on his approach, and a destructive and appalling one to him on his retreat : they are never at rest themselves, nor will they often permit their enemy to enjoy the quiet of a camp. It is true, many of these qualities are often displayed by the soldiers and inhabitants of other countries, though the combination of them, by the force of education and habit here known, is believed to be rare. In the American militia, patriotic and personal motives are united ; it therefore possesses not only the entire confidence of the Government in its moral character, but the objects of its employment are interesting to the persons engaged. Our republican institutions are mainly dependent upon it for their preservation and permanency. The sentiments, feelings, and prejudices, of the nation are strong in its favor, and, in many places, all the stimulants of ambition, and the incitements of pride, are afforded to its officers and soldiers ; and all the objects which are dear to freemen ensure their reward. Nevertheless, it is a lamentable truth, that none but abortive attempts have been made for its better adaptation to the purposes either of its original design, or its application to those multiplied uses which have arisen from the vast extension of the national domain, constant addition to the number of States in the Union, and the increasing elevation of this empire in the scale of nations. The value of the institution is admitted, and its defects acknowledged ; but, as no remedy is provided, its efforts, in too great a degree, continue to be left to chance. The best of our citizens are subjected to the exposure of their lives ; widows and children mourn the needless loss of their husbands and parents ; misery and distress are brought upon families by the destruction of the lives of those who are engaged ; all feel the consequences of its disasters ; and yet, from the comparative inferiority of the militia, how few consider the country disgraced by its overthrow in the conflicts in which it has been engaged !

How long shall this state of things be permitted to continue ? Our Government and laws, generally speaking, keep pace with the advance of knowledge and the progress of society ; but the militia, this vast engine of power, has remained unimproved ever since the first law was passed, shortly after the adoption of the Constitution, providing for its simple organization.

Reflection teaches, that, while the National Government has so long been inactive upon this subject, the causes of superiority of the militia in some States, over others, are principally to be traced to the encouragement which their several Legislatures, by a wise use of their reserved constitutional powers, and those which are granted to them by Congress, have afforded it. The capacity for improvement, which is thus exhibited, the limited authority of the State Governments, and the long continued neglect, by several of them, of the means they possess for advancing the attainments of the militia, shows the necessity of the exercise of all the powers with which the National Government is invested, to produce that equality in its condition among the several States which its national importance demands.

The subject, as a national one, is no doubt attended with great constitutional and practical embarrassments. These do not, however, lessen its national importance; but, on the contrary, shew the necessity of great deliberation in its investigation. In the progress of our enquiries, if we find that the local habits and interests of the different sections of the country are a principal source of difficulty; if we find, among the slave holding States, the preservation of the public security depends upon the embodying of almost the whole efficient white population, while, in others, the absence of this cause would render such a measure burdensome; if we find that in such of the old States as have a dense population, the frequent assembling of the train bands for drill and instruction might be easily accomplished, and in the new, where the inhabitants are sparse, these frequent trainings would be oppressive; we may possibly discover some mode of remedying these difficulties, or learn to content ourselves with the reflection, that, on the Atlantic frontier, where the country is cleared, and the troops will be called to act in large bodies, a higher degree of attainment in military science, and a better knowledge of tactics, will be necessary for protection against invasion, than in the less cultivated parts, where the defiles are numerous, and the country itself furnishes means for the successful operation of those who have a knowledge of its passes, and have gained, by their daily use of the rifle, the best qualifications of a militia force. Our investigations may lead us to the discovery of a mode of keeping up the organization, the officering, the arming and returns of the militia, giving to all, according to the kind of service which will probably be required of them, such opportunities of association and exercise as are indispensable to excite the ambition of the officers, and to stimulate the pride of the soldiers, without making the duty burdensome. Even on this point we may come to the conclusion, that, although, at the formation of the Constitution, when containing about three

millions white inhabitants, it was necessary, for the protection of the country, to provide for the enrolment of all able bodied white male persons between eighteen and forty-five years of age, embracing almost the whole of its efficient white population ; the vast increase of our numerical strength ; the general distribution of arms, and the accession of other means of defence, through the establishment of an Army and Navy, and of a regular system of fortifications, will now permit us to reduce the extent of the militia burdens, by including the train bands within less comprehensive numbers. At least, having ascertained the true causes of the embarrassments, and the obstacles to improvement which local habits and necessities now present, it is apprehended the difficulty of forming general laws suited to the situation and condition of the people in the different sections of the Union, or to the wants of the country itself, will be diminished. The grand object is, to bring the militia into that condition which is best suited to the preservation of individual and State rights at all times, and to the increase of the national security, when it shall be called into the national service. Yet who, after the many projects which have been brought forward without success, can tell how this is to be accomplished ? Experience alone must direct us. That of thirty years has already shewn the great embarrassments with which the subject is attended. No time should, therefore, be lost in commencing its investigation : for it cannot be disguised, that, with the increase of the causes demanding improvement in the condition of the militia, the difficulties of accomplishing it accumulate.

How then shall this investigation be commenced ? or rather, what is the most expedient mode for the Government to adopt to obtain the facts needed to enable it to act with that degree of intelligence on this, which it discovers on other subjects of national concern ? It is answered, that reflection upon the limited constitutional power over the militia possessed by the States, and the consequent extent of the authority of Congress respecting it, leave no doubt that the reform must be commenced by the National Government. Let that Government then inquire whether it possesses the beneficial sources of information on this, that it does on other concerns of national regard, and whether the several States, even, are not furnished with superior advantages to it on this. In doing so, if it shall discover, that it is rather to the State than to the United States laws, that the diversity in the character of the militia of the several parts of the country is to be attributed, and that to the proper organization of an Adjutant General's Department in some of them, the superiority of their militia is in a great degree to be attributed, it will naturally extend the inquiry, and ask whether the adoption of the same means would not be at-

tended with advantages to itself, equal to those which the States alone now possess?

In the States referred to, the Adjutant General is the head of the Commander in Chief's Staff; through him all his orders are communicated; by him all his detailed information is collected; to him appeals are constantly made by the officers for a construction of the laws and orders, for information respecting the exercise of their powers, and for opinions upon questions of rank, authority, and duty. By these officers, all blank forms are prepared and instructions for making them given. By them registers of the officers in commission and rosters of those on duty are kept. The orders for holding General Courts Martial, Courts of Inquiry, and Boards of Officers, are prepared by them, and their proceedings examined and submitted to the Commander in Chief for his approval. All commissions are made out, resignations received, and, when accepted, regular discharges of officers from their authority are issued by them. They have regular files of all returns, petitions, memorials, remonstrances, and papers, received at their offices, and record all their orders, letters, and opinions. They collect the information necessary to enable the Government to act understandingly on subjects connected with the organization of the militia and its arrangement into corps. They report the officers for neglect of duty, when their returns are not punctually and accurately made; condense and make abstracts of these, and annually submit them to the Commander in Chief, by whom they are usually communicated to the Legislature. Several of the States have derived the benefit of this arrangement for many years, while in others, the perceptible improvement in the condition of their militia, from its more recent adoption, confirms its utility. In fact, omitting numerous other details, so important are the duties of these officers, where their Departments are properly regulated, it appears impossible, that a proper organization, even of the militia, could be maintained without them, much less, that its concerns should be managed with order, harmony, and correctness.

Experience having thus produced the conviction that a department under the direction of a responsible officer, is essential for the regulation of the militia, the inquiry becomes pertinent, why should not the National Government adopt the means which, under its authority, the several states enjoy for the management of this important interest, and provide for the appointment of an officer whose duty it shall be to attend to militia concerns, and thus open to itself a channel of information similar to that which it possesses in every other branch of its authority?

Though the utility of the proposed measure is almost sufficiently apparent, without further illustration, yet its advantages

will be more conspicuous when the power and duties of the officer shall be pointed out. But before this is attempted, lest any one should suppose that there might be a constitutional impediment to the arrangement arising from the power of the states to provide for the appointment of all militia officers, it becomes necessary to make the previous remark, that the officer for whose appointment legal provision is proposed, would be an officer of the United States, and not a militia officer. If it were not so, the constitutional obstacle would be paramount. The United States' Adjutant General of the Militia, would be provided for the bureau, and, as he would of course have no command, there would be no more constitutional impediment to the Congressional provision that all the returns of the militia of the several states should be made to the President through the Adjutant General of the Militia, and that he should prescribe the forms of those returns, than there is, that they should be made through the Secretary of War, and that he should perform that duty, as is the case by the existing provision. Now, for the want of an officer who by law is obliged distinctly to attend to militia concerns, all the duty of the Secretary relating to them is performed *ex gratia* by the Adjutant General of the Army. Thus the returning officers of the militia of the several states, make their returns to, and receive their forms from, an officer of the General Staff of the Army, inferior to them in rank, and, to the constitutional authority and control of whose principal, they are not subject.

The jealousy of concentrated power which existed at the adoption of the Constitution, caused the states, when they granted to the federal government the unlimited power to maintain armies, build navies, and raise revenues, to reserve to themselves the militia force, except when its use defensively might be required for the preservation of the national domain and peace, against foreign foes and rebellious subjects. This power must then be considered as the grand physical characteristic of state sovereignty. Without it, the pillars of the Union would be too slender to support the national fabric. Those therefore who have a just estimate of the importance of the state sovereignties for upholding the national structure, will be careful to avoid the amalgamation of the national and state forces, even so far as their holding correspondence with, and making their returns through, the same member of the general staff, has a tendency to produce it.

Viewed in this light alone, the suggestion must strike every one as an improvement in the present practice. For, as the army and militia are different bodies, the one exclusively a national, and the other, (except in actual service, under the command of the President,) definitely a state force, their distinctive character should forever be preserved. Besides, as the habits

and character of the army and militia are different, the instructions must be different, and the forms of returns different, according to the organization and habits of duty in each, the expediency, even if no other consideration presented, is illustrated of having a separate officer assigned to each branch of service.

Notwithstanding the extent of this great state reservation, so long as the body politic preserves its moral strength, the most important, and, indeed, almost the only cases in which the militia will be called into service, will be under the federal power. Considering it then as a muscle in the national arm, the militia should be so arranged as always to co-operate with the army. The United States' Adjutant General of the Militia should consequently be attached to the War Department, so that the orders of the President to these national forces should pass to their destination through the same primary organ. The rank of the Adjutants General of the several states, should be fixed by Congress, as is that of other officers, and the United States' Adjutant General should have precedence of them ; so that when called to act on Boards of Officers, or otherwise, conjointly with officers of the army or militia, he should rank the latter. He should reside at the seat of government of the United States ; and the returns of the whole body of the militia in peace, and that part of it which is not detached for the national service in war, or other periods of constitutional emergency, would be made through the Adjutant General of the Militia ; while those of the troops placed in the service of the United States, would be made by the officers commanding them, under the authority of the President, through the office of the Adjutant General of the Army, as at present.

As no confusion would result from this organization, then, let us look more minutely into the authority of the additional officer, that we may judge of its benefit.

Among other duties, the United States' Adjutant General of the Militia shall be obliged to furnish blank forms of all the different returns that may be required, and to explain the principles on which they shall be made : to prepare and distribute to the several states, books of instruction, suited to the militia organization, for the drill and exercise of all the various corps of which the militia consists, according to the system of discipline prescribed for the army ; and adopt all necessary and proper means for bringing the system into general use ; to receive all the returns of the militia of the several states and territories, and to make abstracts of the same once in every year, exhibiting the number of divisions, brigades, regiments, battalions, and companies : of what corps they consist ; the strength of each, the number of officers and men, and the condition of their arms, accoutrements, and ammunition. He shall also

make inquiries respecting the local boundaries, and extent of the different divisions of the militia, the state of their organization and drill, and the force which can be brought to the defence of their important neighboring positions in any given time, obtain the information needed to enable the President to call for the militia of the several States, or any particular division of it, under the act of Congress in 1795, to the greatest public advantage, and by his returns, the number of men which are taken into the national employ, the divisions from which they are detached, and the effective strength which remains in reserve, either for future drafts, or to guard against unexpected attacks, shall always appear. He will likewise prepare forms for the return of all the arms and equipments furnished the several States and Territories, under the act of the 23d of April, 1808, "for arming and equipping the whole body of the militia of the United States," exhibiting the manner in which they are kept, or how they are distributed; of books of instruction, and of all other property, which shall be furnished to the militia, at the expense of the Government. He shall collect as much information as can be obtained, relating to magazines and arsenals, belonging to the States or individuals; the quantity of powder and military stores deposited in them; the manufactories of gunpowder, muskets, rifles, swords, and other implements of war; the number of men employed, and the quantity which can be produced in any given time, at each establishment; the situation of cannon foundries, and furnaces for casting shot; the facilities of transportation, and the cost of it by land and water. He shall communicate to the Adjutants General of the several States, such information as shall be furnished to him from the Ordnance Department, relative to the best mode of keeping and preserving muskets and other fire arms, of cleaning and preserving leather harness, cartouch boxes, bayonet and sword scabbards, belts, straps, and all other military equipments; and also relating to the making of gun carriages, ammunition wagons, tumbrils and caissons, so as to produce an uniformity in their construction throughout the United States. And to cause punctuality and accuracy in the returns of the militia of the several States and Territories, provision shall be made, (if the law does not now admit of that interpretation) that the arms and equipments procured under the act of Congress, "for arming and equipping the whole body of the militia of the United States," shall be distributed among the several States and Territories, according to the returns made of their militia for the year preceding each annual distribution. In fact, he shall collect all the information relating to the strength and condition of the militia, the materials of defence, which the country can furnish; the cost of purchase and transportation; shall keep regular files of the papers received, and a record of his corres-

pondence; and, besides his annual returns, when called upon, he shall communicate such information to the President, as his bureau will furnish; and be liable to all such duties relating to the objects of his appointment, as the President shall assign to him.

If military men should think that a part of these duties could more properly be attached to other bureaus, it will not be controverted, it is presumed, that all the facts and information herein pointed out, are necessary to be had, and should be collected for the Government by some mean or other. In the absence of all provision for this purpose, at present, these duties have, therefore, herein been assigned to the new officer, as the first step in the work of reformation, leaving to time and experience, that more orderly arrangement or subdivision of the whole duties of the War Department, which shall appear to be most expedient.

It is also necessary to remark, that the idea is not designed to be conveyed that all the duties of the office are comprehended in the foregoing enumeration. Enough only was intended to be shewn, to remove any doubt that the new office would be one of great utility, and that it would require the undivided and assiduous attention of at least one person for its methodical arrangement and laborious duty.

This plan, it will be perceived, has nothing new in it; but is suggested, in furtherance of the system, which, in the late organization of the Army, has wisely been introduced, providing for the residence, at Washington, of intelligent officers at the head of each Department or branch of its concerns, to collect such facts and details as the state of the country may, at any time, require for the Government's use. The President has now no officer to call upon for answers to his inquiries respecting the militia, except the Secretary of War, who, under the existing organization, possesses no official information other than such as is afforded by the present incomplete abstracts of the Annual Returns of the States and Territories, some of which have not made any for several years. He has no officer subject to his command, whom he can assign to any of those various duties, which the importance of the institution requires should be performed by a person properly qualified by intelligence and experience. The paucity of the President's information alone, and the impossibility of his obtaining it under the present system, even if no prospective advantage was likely to be derived from it, affords an important motive for the adoption of the measure proposed. Though the positive advantages are thus shewn to be of no small consideration, the prospective are much greater; for, in the light in which the subject is viewed after long contemplation, this appears to be the best, if not the only mode, by which those improvements can

eventually be made in the militia of the United States, which its capacity admits, and its present condition requires. That there will be some delay attending it, is admitted; but this will be no greater than the difficulties of the case itself create. If all the country was like New England, with the experience that is there attained, certain specific amendments to the laws might be advantageously proposed. But that is not the case. In this immense territory, the habits and customs of the people differ from each other; education, and the means of obtaining it, are widely different; the wants and necessities, the resources and objects of the several States and Territories, essentially vary from each other. What, therefore, would be useful to one, might be injurious to another. An uniform national militia, in a confederacy of sovereign States, is a desideratum, the practicability of establishing which is doubted by many, though none doubt its utility, if it can be accomplished. Shall so great an object be abandoned, then, without even an examination of the difficulties which attend it? If we would inquire into these, we shall find that some of them are habitual, and the strength of these is daily increasing; but that the most important are constitutional. These latter are not, however, supposed to be greater than those which have attended the true construction of the National and State powers in other branches of authority, and which the experience of every year is illustrating and defining. While the obstacles of habit are to be removed by new and improved practices, those emanating from constitutional provisions, it is thought, by examination, will be found to be less consequential than has been imagined. Like those arising under the judiciary power, they require only to be investigated and settled, to strengthen the connexion, and ensure the continuance of that harmonious cooperation between the State and Federal Governments, which every new decision is in practice producing. In reasoning upon constitutional barriers, with the view to an uniform system of operation in any one branch of authority, the magnitude of the impediment is often such as to make the sanguine wish for its removal by a greater concentration of power under one authority. But a recurrence to the system of checks and balances, which forms the peculiar character of our frame of Government, when its general influence is considered, will teach us that it is those very distinguishing features which preserve its identity, and which alone will secure its duration. Let us not be uneasy under them, therefore; nor look upon the Federal Government as a foreign Government made for us, and not by us; as independent of public opinion, and not, as it is in truth, founded upon it, and receiving its daily support from that general concurrence in all its acts, which shews that the exercise of all its power is reduced to the standard of human rea-

son. We need not fear that the same public sentiment which supports the one in all its authority, will restrain the other from usurpation; and that the united approbation of the public, which strengthens the measures of the one, will incite the other to the exercise of its co-ordinate powers. Let the National Government be content, then, with the authority which is given, and use it under the restraints imposed. Take the grant by its terms, and concede the reservation according to its intent, and thus unfasten that public jealousy, which, more than any constitutional provision, has impeded our political progress. When the United States' Government executes its own powers wisely, that public sentiment, which approves it, will produce such correlative provisions under the State authorities as are necessary. Both Governments are Governments of the People, and of the same People. Let public opinion, the great corrective of public abuse, and, at the same time, the highest incentive to patriotic exertion, be appealed to, and it need not be feared, that any constitutional object will be effected, under our present forms of Government, however complex they seem to many, if it be approved; and, if it be otherwise, whether the authority over the subject be single or co-ordinate, it matters not: for vain would be the attempt to exercise it.

The embarrassment, then, which exists to making a perfectly national militia, arises under the power reserved to the States by the Constitution to provide for officering and training the militia; while that for organizing, arming, and equipping it, and establishing the system of its discipline, is granted to the National Government. This simple enumeration shews these to be dependent powers, and it sufficiently exposes the necessity of the joint co-operation of both Governments for the advancement of the system in practice to the point intended at the time of its adoption. For it is at once apparent that the power of Congress to organize, arm, and equip, the militia, and establish its system of discipline, is of no use, unless the officers to command it are provided by the States, and the troops are disciplined according to the system prescribed. The States, who made the grant to the Federal Government of their militia powers, did it with an implied obligation of co-operation on their own part with the co-ordinate powers they reserved. The object in view warrants the belief that, but for such an understanding, the grant would not even have been accepted. But, that in different States, different modes for appointing officers should be provided, and that a difference of sentiment should exist among them, respecting the extent of their obligation to train the militia after it is organized and officered, was to be supposed; and this, of itself, is sufficient to create serious impediments to making an entirely uniform national militia by Congressional provision solely. But though the National Gov-

ernment cannot do every thing to the accomplishment of this great object, it can do much. It can at least exercise the powers it has, and cease to claim those it has not.

It can conform the organization, and numbers, and rank of the officers of the militia, to the most improved modes, and thus make the rules, provided for the exercise and manœuvres of the army, applicable in practice, as they are by statute, to the militia. Definitely establishing the form of the militia organization, it will no longer permit this, the most important of all its powers, relating to this subject, to be rendered inoperative, at the "convenience" of the States. Better is it, at once, for the United States to relinquish the power, than, after having established its form, not to require its execution. We should then expect to find an uniformity of organization in each State, at least, whereas we now see companies containing from twenty to two hundred and fifty privates; regiments, from five to sixteen companies, composed sometimes entirely of infantry, sometimes of a part, and sometimes nearly of all the different corps of cavalry, artillery, infantry, light infantry, grenadiers, and riflemen, of which the militia consist, and containing from three hundred to fifteen hundred men. If the several States had the responsibility of this power, the unmilitary arrangement of eight regiments to a brigade, and of seven brigades, instead of two, to a division, would not be seen in any. All this deformity arises from the operation of the existing laws, defeating the design of those who granted the power to the National Government, for the sake of ensuring a perfect uniformity of organization.

It can provide arms and equipments for both officers and soldiers, and authorize the delivery of colors and musical instruments from the national armories. Thus it would relieve those whose expenses and burdens are heavy and unequal, instead of attempting to impose on them an obligation which it has not the constitutional power to enforce. It is true, that Congress has power to provide arms and equipments for the militia, but its authority to require the colors to be furnished at the expense of the field officers, and the musical instruments by the company officers, will be considered as vain as it would be for it to exact from those holding civil offices, under State authority, pecuniary, or other grants, proportioned to their elevation, and its means of enforcing the penalties of disobedience would be no greater upon the military than the civil officers. The same observation may be applied to uniforming the militia, which is not only not one of the ceded powers, but is one which can both more economically and properly be exercised by the States, who may thus establish, for each, such characteristic marks or badges, as will, when the troops of several States are together, distinguish the line of each from the

other, and from the line of the army. These are attempts at legitimate legislation, which diminish the dignity of the enacting authority, and lessen the respect of those from whom submission is expected.

It can establish a system of discipline for the artillery and cavalry, as well as for the infantry.

It can provide and distribute books of instruction to the officers, and thus secure an uniformity in the words of command, of exercise, and manœuvres, throughout the Union ; and, as the power of Congress to compel the attendance of militia officers at drills, for instruction, is not generally admitted, if it will furnish instructors to such of the States as choose to avail themselves of the advantage furnished, it need not be questioned that the opportunity will be embraced to the extent of the provision.

It can provide for the appointment of Aids de Camps to the Commander in Chief of the several States, and other necessary officers, and fix the rank of some whose appointment is now provided for.

It can more accurately define the mode of arming the several corps, and make some improvement in the selection of arms to be used.

It can revise the provision for inspecting the troops which is insufficient, and for returning them, which is not only fixed at an inconvenient period for the use of the Government, but is incomplete also in its details.

It can provide rules for the police of the militia, and add many necessary practical regulations.

It can relieve the elder class of those who are now enrolled, from duty in time of peace : for it certainly cannot be necessary to require so great a proportion of the whole to be enrolled, as was expedient when the population, upon the same territory, was about one-third the present number, and our other means of defence incomparably less. But if there are any particular parts of the country, the character of whose population requires the keeping up a large military force in peace as well as war, the power can safely be left with the States to make additional enrolments, it being fairly to be presumed, that no State will impose a burden on its citizens, which its own peculiar exigencies do not require.

Above all, it can take back to its own exercise the power of exemption, which, under the State authorities, has been used more destructively to the spirit of the militia, than even to its numerical force.

It can also do much, in other ways, to encourage the ambition of the officers and the pride of the soldiers, so indispensable to the preservation of the system in any degree of respectability, and no measure would be more likely to have this ten-

gency, and produce the conviction that the General Government intended to extend its protection to the militia, than the appointment of a Staff Officer, to represent their interest, and become the official organ of their communications, at the seat of the National Government.

One of the most immediate and best effects of these measures will be to inform the public mind, which, not being obliged to reflect on principles that it is not called on to apply, is now too much influenced by the interested sentiments of those who proclaim a privilege a burden, and make individual hardships national calamities. The patronage of the Government will undeceive the ignorant, disarm the cunning, and cause the thinking part of the community to reflect on the advantages, in a republican Government, of placing arms in the hands of the whole people, and of training them to their use.— Thus public opinion, the power with which the laws in all Governments must ultimately accord, and whose effects, on those which are free, are almost immediate, will be enlightened. Let a change in the militia system be decreed by public sentiment, (and it surely will be, when a clear perception of the best mode of effecting it is entertained,) and it matters not whether the powers to accomplish it belong, in whole, or in part, to the State, or the United States; whether they be coordinate, dependent, or contingent, their exercise will be commanded. Such patronage will make the militia service respectable, and its offices desirable. Consequently men of higher attainments will be found in authority, an interest felt in the institution, and an influence created in the community, which will add much to the dignity and utility of the institution in peace, and to its strength in war. But the States alone can do nothing. The United States must begin the grand work of militia reform. The States have a right to demand it at their hands. The militia is their force, the service of which they have authorized the United States to use on certain occasions, and as these are the most important of any in which it will be called to act, they have yielded to that Government the important powers to organize and arm it, and to establish its discipline. Certainly this would never have been done, but under the full belief that those powers would be exercised; but having ceded them, the States may with great propriety claim their execution, in fulfilment of the implied obligation, which was the consideration of the grant, that thereby the force employed should be fitted for the service for which it is destined.

It is not herein intended to impute to the national councils a want of disposition to comply with their obligations. The cause of the evil does not arise from this source, but rather from the want of a satisfactory conviction in their mind that the remedies which have been proposed would answer their de-

sign; nor, by the remark, that, by the adoption of measures for the improvement of the militia such as have been suggested, or others which shall effect the same objects, the poorer class of citizens will be relieved, do we wish to be understood as claiming for the poor *exclusive benefits*: our only wish is to relieve them from *exclusive hardships*. It is not to be denied, that the efficient militia is, in a great degree, composed of such as have not influence enough to obtain any of the numerous exempting offices, or pecuniary means to pay the forfeitures of non-compliance with legal requisitions. The claim we make, therefore, is one of justice to them not only, but it is one that can be allowed without injustice to others; and, until it can be shown why those who fill the ranks of the militia, those, in fact, who do the work, why they should be obliged to provide arms for the defence of the whole, without aid from any: why they should spend their time, without remuneration or other marks of consideration from those who share the advantage: furnish their own ammunition and rations, and pay the expenses of assembling, without assistance from their exempted and wealthier neighbors, whose property is a principal object of defence; the claim will continue to be urged on the strong ground of justice and equality.

It is believed that there is no department of the Government that deserves more attention than the militia: none in which the defects of the system are more apparent; none which is more susceptible of improvement; none about which public sentiment is more divided; none which is attended with more extraneous difficulties; but all of which may be traced to the want of those facts, and that information which, in all affairs, is indispensable to enlightened reform. It is not expected that all these difficulties can be removed at once. But, let the inquiry be commenced, and the subject examined; let the habits and interests of the different sections of the Union be consulted; let the powers granted and those reserved by the States be considered; let amendments be the result of knowledge; let facts be collected, information communicated, and public sentiment enlightened, and reformation will surely follow.

This will not be an untried experiment. Its utility has been tested, and its result is exhibited in those States where the concerns of the militia are systematically conducted according to the provisions of their Legislatures requiring it. How much more necessary it is that the President should have the advantage which would result from the establishment of a similar department at the seat of the Government of the Union, the comparative extent of his authority sufficiently demonstrates.

But though the laws for the regulation and government of the militia are defective, unequal, and oppressive, the principles upon which the system is founded are correct. They have

been tested by experience, and carried into operation in the incomplete mode which is at present adopted, have already produced, as we often hear it remarked, a militia which Europe does not exhibit. But does it satisfy us, that those who have as much to fear as we have to hope from such an institution, have not brought it to the same degree of perfection as ourselves? Will the independent People of America, who place their chief military and their whole civil dependence on this force, be satisfied with having a militia which is only, comparatively, better than that of Governments which resort to it always with fear, and never place arms in the hands of the People but when the invader is at hand? The possession of muskets by all the able bodied men of a country, gives to them that perfect sense of their own freedom, which causes each, in his own castle, to stand, like a sentinel, watching his liberty. "If France had such a militia," said a late distinguished visiter, when he received the salute of six thousand of them, "she would have a free Government." The militia is the preserving power of republicanism. What would dissolve arbitrary governments, confirms and strengthens the free. It can hardly be believed that a community which, against all existing precedents, had the intelligence to found a system of self-government upon the basis of original equality of privilege and power, and the virtue to maintain it, to the delight of the philanthropist, and the fear of the selfish and powerful, will ever forget that a self-depending must always be a self-defending power. Those who have set the world an example of unequalled wisdom in their civil institutions, derive too much pride and gratification from them to neglect the means of their preservation.

In addressing myself to our military head, my observations have been confined to the use of the militia as a defensive power. But in this light alone it might be viewed of equal importance to Governments of all forms. I cannot, therefore, permit his republican virtue to impute to me the belief that its uses to ours are thus confined.

Under our Constitution, the militia must ever be estimated as the bulwark of civil and individual liberty. Directed by public sentiment, it will guard us from the oppression of power: regulated by wisdom, and patronized by the Government, it will secure us from anarchy: officered, trained, and supported by the States, it is the guarantee of their sovereignty and union; and properly armed and disciplined, in conjunction with the Army and Navy, and aided by a regular chain of permanent fortifications, it forms an impenetrable barrier to the invader. It is, therefore, as essential to the preservation of civil as it is to territorial rights. "As auxiliary to a regular force," says Mr. Madison, "and a substitute for a large one in time of peace,

a disciplined Militia forms an essential part of a republican system, it being certain that liberty cannot be safe with powerful standing armies, nor in danger without them, and that without an effective Militia, the danger of such armies cannot be precluded."

But its advantages are not confined to its military and civil uses exclusively. Its moral influence on society and individual character is also deserving of our regard. A disciplined militia, composed of all classes of citizens, of parents and sons, of masters and apprentices, of guardians and wards, commences its influence on those who, in their progress to maturity, become liable to enrolment at a period of life when parental authority begins to lose its control. It regulates the eccentricities of youth, inculcates subordination to authority, teaches obedience to the laws, and respect for those who are entrusted with their administration. Its associations promote civility, good manners, and friendly intercourse in society. Its exhibitions are public, encouraging cleanliness of person, and eliciting that pride of character which leads to the fear of reproach, and enlivens the desire of distinction. Its employments are active, requiring judgement and decision. Its exercises are manly, giving grace to the person, vigor to the muscle, and energy to the mind. Its duties are scientific, inciting to study, and inducing inquiry. Its objects are patriotic, animating the best feelings of the heart. Its offices, open to all, are the incentives of honorable ambition, affording to those in humble stations, whose merits might otherwise remain unnoticed, opportunities for disclosing those virtues and talents which recommend them for civil preferment, as well as military promotion; and thus it is, this truly republican institution, in connexion with our systems of public education and establishments of religious instruction, contributes to produce that just subordination in society which influences all its conduct, and constitutes an orderly community.

Let not, then, this valuable institution fall into disrepute, for the want of the patronage of those who know its merits. In the militia all have an interest, those who have property to defend, homes to protect, and liberty to secure, as well as those whose lives are risked. It is composed and officered by men drawn from the various classes of society. No means should, therefore, be omitted for its improvement and instruction, and for lightening and equalizing its burdens. Militia laws should be made for the government of practical men, and the provisions of them should be as permanent and certain as the nature of the institution admits. The system of discipline should also be plain and fixed, so that the practice under it should be uniform. It should prescribe the discipline of the soldiers, and the duty of the officers; contain simple rules for the formation

of companies and battalions, and instruction for a few of the most important manœuvres, such as all may comprehend and execute without much study or labor. These they must be taught to perform before they are brought into the field for actual service. It is not the intent of the Constitution that the militia should be converted into regulars in time of war, and be kept in service till they have learnt their duty. This would be the most expensive system of defence that could be devised. Our forts are to be garrisoned by the army. The militia are intended as a reserve, to be called out on sudden emergencies, and discharged again as soon as the occasion which requires them ceases. Hence the necessity of their instruction at home, so that, when they are called for, they may come unhesitatingly into the field, and act with that confidence in one another, and in the skill of their officers, which none but those who are well drilled can ever discover.

One of the greatest difficulties under which the militia suffers is a deficiency of intelligence among its officers. This arises not from an indisposition to learn, but from the want of the means of instruction and opportunities for practice. The People of this country are too high-minded to be dragged about the streets under the authority of those who are ignorant of their duty; yet, as the States have adopted different modes for appointing officers, and but little encouragement is given for men of education and ambition to accept commissions; this is often the case. Suitable methods, then, should be devised for their instruction, so far as the authority of Congress extends, and the States be encouraged to exercise their reserved powers. For this purpose, drill-books should be distributed, and meetings for mutual instruction established, and the esprit du corps excited. The annual drills of officers, which have lately been provided by law, in some of the States, are attended with such benefit to the service as makes an extension of the principle, under more favorable circumstances, desirable.

It is admitted that, although many advantages might be thus gained, no very great approach can be made in the creation of an uniform militia throughout the United States, until the existing inequality of militia burdens which has before been hinted at, is removed. These fall, with unequal weight, upon those who are least able to bear them. The unexempted class of citizens between the age of eighteen and forty-five, principally consists of those who have the smallest pecuniary means. But they have life and liberty to preserve, which is as valuable to them surely, as to their exempted and opulent neighbors. They, therefore, most willingly and cheerfully contribute their time in support of an institution which gives them a perfect consciousness of their freedom. Compensation for this would be degrading. But is not this sacrifice of time to patriotism

their full share? They contribute their due proportion of taxes for the support of Government as well as others. If this equal obligation gives them equal rights, may they not properly demand the reason, why such as have wealth as well as life and liberty at stake, should not furnish at least the instruments of its preservation, to those who are thus willing and able to use them. But, under the existing laws, those who perform militia duty are obliged to arm and equip themselves, and also to provide a certain quantity of ammunition at their own expense. In this the poor man sustains an oppressive burden. Not only so, but he is subject to pecuniary penalties for a non-compliance with the exactions of legal provisions, which, by accident or occupation, he may be obliged to forfeit. He must also, support himself while attending the company and battalion trainings, and defray the incidental and necessary expenses of travel and attendance at the public reviews. The distance to the place of parade is often so great that two or more days is taken up in the duty, making this item an addition of no very inconsiderable amount to the unequal exactions of the laws before noticed. The inequality thus produced is one of the greatest obstacles to the improvement of the militia. It is believed to be so great in those States where the laws are executed in the spirit of the institution, as to deter others from the attempt to accomplish its design. It should hence be inferred, that much success in the establishment of an uniform national militia cannot be expected until this obstacle is removed.

There is only one class of persons whose condition furnishes any semblance of an argument in favor of the existing law requiring every soldier to arm himself at his own expense.— This consists of those, who, by reason of age or service, are now exempted, but who, when they were enrolled, were subject to that obligation. They claim that, as they have performed their tour of duty unassisted, their successors should do the same, or at least, that, having provided their own arms, when they were the subject of enrolment, they should not now be called on to contribute to their purchase for others.

This argument had some weight in it in 1792, when the Militia Law was passed. The country but a few years before that time had gained its independence, principally by the personal exertions and contributions of those in whose favor the distinction is made, and surely it was not without reason, when other resources were wanting, that those who came into the full enjoyment of liberty without the labor of its acquisition, should be required to arm and equip themselves for its preservation, as their fathers had done for its attainment. But since that period the condition of the country has changed. Its population has increased threefold, and its resources an hundred.— Penury and suffering have been succeeded by affluence and

independence, the public means are equal to its wants, and no good reason can now be perceived, why the consequent amelioration which has taken place in the condition of all other classes of society, should not also be extended to that which is subject to militia duty.

It will be observed that, in the remarks upon the inequality of militia burdens, no allusion is made to the national law which purports by the title of the act, "to make provision for arming and equipping the whole body of the militia of the United States." This was purposely omitted, because the amount appropriated is so inconsiderable for the object, it would have no weight in the argument. The title of the act is deceptive, as, at the present rate of supply, it will take seventy-five years to furnish the existing militia, making no allowance for the increase of population within that period. Until Congress shall provide for carrying into effect the design of that statute, so as to make its provisions a substitute for the law of 1792, which requires the militia to arm themselves, our admiration of the principles of the act will only increase our regret at the want of means for its due execution. This we have no good reason to hope is its immediate design. The law of Congress at the last session, extending the provisions of the Act for arming the whole body of the militia, to the District of Columbia, according to its title, and for loaning arms from the national armory according to its provisions, is either an act of partial legislation, or contains a pledge to this effect. There is a manifest propriety in according to the militia of that District, the benefit of an appropriation which the original act confined to the several States and Territories. But if this were the sole object of the act, we should naturally have expected some provision in it for an annual return of the militia, as the arms are to be distributed in proportion to the numbers enrolled. But the after provision which authorizes a *loan* of arms to the militia of that District, makes annual returns for the purpose of future supply unnecessary. No reason is perceived why the militia of that District should obtain exclusive exemption from the requisition of the Act of Congress of 1792, which requires the soldiers to provide their own arms, and yet, there is no uneasiness discovered, at what, undoubtedly, would have been considered as an act of unequal favor, unless its provisions had been of so decisive a character as to justify the opinion that it was intended as a precedent upon which an entire system of relief to the whole militia should be founded. A commencement of this just, and I might say, charitable work, may then be considered as made; and the rapid improvement which it has wrought in the militia of the District, it is believed, will tend to confirm the utility of extending the privilege to the whole body.

Another source of inequality, arising from the numerous and

unnecessary exemptions from militia duty, of those who otherwise would be liable to enrolment, which the laws recognize, will be the subject of just complaint so long as it continues.—These are oppressive and discouraging to those who remain subject to duty not only, but, under the unlimited authority given to the Legislature to grant exemptions at discretion, the power is exercised to an extent not contemplated when it was given, and principles are established, and practices admitted, in the different States, which make the law unequal in the operation of its own provisions. This is a growing evil, not more destructive of the militia numbers, however, than it is of the pride of those who are thus made to feel the inequality of their own condition and influence.

The service required of citizens towards the support of Government is of two kinds, pecuniary and personal. All contribute to the former, according to their ability; certain classes, only, render the latter. These are composed of such as hold offices in the civil departments of Government, instructors of morality and religion, teachers of youth, jurymen, and others, who cannot perform their duties by substitutes. Although some ardent friends of the militia are opposed to the exemption of any person whatever, who by age is liable to enrolment, without the payment of an equivalent, the propriety of exempting from training such classes, is not herein disputed. And if it were, and constitutional restrictions against exercising or granting such a power were made in all, as was lately done in one of the States, still the Legislature could do the same in all, that it did in the one alluded to, put the fines of non-attendance so low as to do more injury than would have resulted from a grant of proper exemption. These abuses are easily corrected. The exempting is incident to the enrolling power which is vested in Congress. Let Congress exercise it, then, and exempt such officers of the Federal and State Governments, and other persons, whose personal duties are equally important, but incompatible with militia service. The obligation and exemption will then be the same in all the States, and a great advance made in restoring that equality which the various exercise of this power, by the several States, under the authority delegated to them by Congress, has destroyed.—Viewed in some lights, indeed certain exemptions seem to be necessary for the harmonious administration of our system of civil Government. The executive, legislative, and judiciary functions, must be performed, public education upheld, religion maintained, and the trial by jury preserved. Upon these and the militia, the purity and security of our Government, in a great degree, depends. They are all essential to the order of its practical operation. There would, therefore, seem to be manifest injustice in requiring those to pay an equivalent for

not rendering that personal service, in one branch, which their duty required of them at the same time in another. This reason, however, should not release them from the obligation of providing themselves with arms, as is required of those who have less ability to procure them. For until suitable measures are adopted for a more liberal distribution of arms, at the general expense, consideration for the public safety will enforce the argument for equalizing the militia burdens, in favor of this requisition.

These remarks are not intended as propositions for amendments, in these particulars, but are merely thrown out for consideration. Though under the experience of some parts of the country there could be no doubt of their general acceptance, yet their bearing on others should be well weighed before their adoption. They are sufficient, perhaps, to show the necessity of a thorough examination of the whole subject, by one whose situation would afford him the means of ample information. In such case, many suggestions of improvement, better suited, perhaps, to the condition of the whole country, would be proposed, which would facilitate the means of rendering the system more perfect than could be expected to be the result of individual exertion.

Upon two points, however, it is believed there is no division of sentiment. These are, the making suitable provisions for arming the militia, and for the distribution of books of instruction, at the national expense. The adoption of these would, perhaps, induce the States to supply rations, and afford other encouragement to the troops, while engaged in public duty, at the charge of the whole community from which they may be drawn. The obligations upon the soldier, in these respects, are now oppressive; and the public means for their relief, abundant.

It is fortunate for the country that, however great the diversity of sentiment is, respecting the details of the militia system, there is no division upon the propriety of upholding it in dignity and usefulness, so long as it is maintained at all. The mode in which the Government shall do this, is not so important, as it is to have the fact established, that a system of militia patronage is introduced by the Government, which has for its object, equality, relief, and instruction. This would be, in the highest degree, salutary to the establishment. The militia, considering themselves as under the protection of a just Government, disposed to cherish their interest, would engage in their duties with that pride which the inequality of their present condition depresses. They would then be all equally well armed, and their exercise would be uniform throughout the United States. Military service would no longer be considered as a drudgery. All would engage in it heartily. The dis-

position to obtain exemption would, in a great degree, cease. The militia would become the national guard, in which every citizen would be proud to be enrolled. Its offices would be sought for by those who now decline them. A commission would become the passport of merit, and an honorable discharge the evidence of faithful service.

But, looking beyond the beneficial consequences which a few amendments to the law, inconsiderable in the amount or their expense to the public, would effect in the militia itself, and reflecting on the difficulty there always will be in a free country, where compulsory processes are not available, of quickly filling up the ranks of the Army, when a sudden increase of it becomes necessary, the conviction is irresistibly forced on the mind, that one of its most important resulting advantages would be, that the country would be furnished with a large class of intelligent and practical officers, from which judicious selections for appointments to Army commissions might be made, of such as, from their known attainments and popularity in their several districts of command, would soon be able to recruit its ranks.

The improvement of the militia will not only increase the national strength, and facilitate its means, but the measure will be one of national economy, considered both with regard to its effect on the public coffers, and the resulting advantages of productive labor: for, if the officers are uninformed, and the soldiers imperfectly armed and untrained, when invasion impends, a larger number of troops than otherwise would be necessary, must not only be assembled, but they must be called out in anticipation of the period of service, to be drilled and receive those common elements of instruction which, if previously attained, would have made it unnecessary to have taken them from the profitable employments of domestic industry, until the danger was immediate. If it would not be considered invidious, strong illustrations of the importance, in point of expenditure, of this truth, might be drawn from the amount of the disbursements for the militia employed during the late war, in different parts of the Union. But facts cannot now be necessary, to show the economy of substituting discipline for numbers, in every light in which the proposition can be viewed; nor arguments adduced, to prove how much more zealous and valuable his services are, who is employed for the defence of his own neighborhood, where all his early associations, domestic attachments, and local knowledge, are brought in aid of his patriotic ardor, than when marched away, for the protection of strangers, to distant places. It may almost be laid down as an axiom, that, in proportion to the length of time the militia continues in service, and the distance of its employment

from home, will its moral force be diminished, though its military attainments might be increased. The militia should always be employed where its moral power is greatest; and as this is advanced, the expenses of defence, by this arm, will be proportionably diminished. National economy, a most powerful operator in political concerns, is thus brought in aid of other considerations, making it desirable that such improvements should be made in the instruction of the officers of the militia, and in its organization, arms, and discipline, as to give it that confidence in itself, which will prevent its taking needless alarm, make its employment for long periods less frequent, and its march to distant places unnecessary. The militia trainings are sufficient for this. The dignity and order of military exercises, under the direction of the experienced officers of the Revolution, made them public favorites; and so they continue to this day, in some of the States. The militia trainings are the People's holidays, and, in the country, form their chief amusements. Relieve the militia from the expenses incident to duty, and make the appearance and conduct of the troops such as to gratify their pride, and they will ask no pay for their time and services. This will naturally result from a due public estimate of the value of the institution. The effect of it will shew itself in the wise exercise of the constitutional powers of Congress; in restoring the equality of military obligation which all citizens owe to their country, by exempting none from militia duty, but those who have personal service to render in other conflicting capacities; by establishing an uniformity of militia organization, and affording instruction to the officers, and arms and relief from burdensome exactions, to the soldiers.— This must be done to bring back the militia to the object of its establishment, and some measures of fostering care, at least, soon adopted, to prevent the laws from being treated with contempt by those who are subject to their authority. The respectable yeomanry and patriotic citizens of this happy country will do any thing for the preservation of their institutions, which is equal and honorable. But to be mulcted for not appearing at the public trainings under ignorant officers, a laughing stock to the exempts, is what wise councils will not long expect submission to, from a free and high-minded people.

Judging from present effects, there are some who, doubting whether the trainings, even under favorable circumstances, would render the militia good soldiers, prefer that it should be classed and a portion of it called out every year, for a definite period, for camp duty and military exercise. Their views are solely military, and, as such, are entirely accorded with, and the principle fully admitted, that a few days continued instruction in camp, will do more towards turning citizens into sol-

diers, than many separate days of instruction. When this conversion shall become necessary, these means will undoubtedly be adopted, as the readiest to effect the object. But if a proper organization is maintained, and the leading features of the institution are preserved, the citizens may uninterruptedly continue their vocations, until the immediate presence of danger calls them into actual service. Those who aim at making the militia equal to the regular corps, look for more than it was designed to accomplish. To effect this, they must alter the character of the force; for so opposite are the pursuits of military and civil occupation, that, when the former becomes the chief object, every step the soldier gains the citizen loses. Such is the effect of incorporating the militia of Europe with the regular forces. But it is not our wish to turn citizens into soldiers in time of peace. The object of our military establishments, on the contrary, is to preserve to us the enjoyment of our civil blessings. We should, therefore, exceedingly fear the effect of such a change on our moral habits and domestic enjoyment; and those republican statesmen who think that its effect would be alike injurious to the stability of our free constitutions, will avoid every measure which shall cause the business of the soldier to become the sole object of the citizen. The term citizen soldier accurately conveys the character of an American militia man: and the constitutional object and design of his enrolment and instruction cannot be better expressed, or defined, than by the use of those words as convertible terms. The citizen soldier of peace is to become the soldier citizen of war; but, neither in peace nor war, is the character of either the citizen or soldier to be merged in the other. Thus will the principles of military subordination contribute to the good order of civil society, and the pride of honorable distinction furnish new incentives to virtuous efforts. But this cannot be the effect where militia exercises have become so inferior, as to make a compliance with legal acquirements appear to be useless and derogatory. So far as this is to be attributed to the want of the parental care of the Government, injury must be anticipated to the whole of its institutions. It is however hoped, that the decision of the country upon the utility of the continuance of the militia establishment, which its present condition in the United States evinces will ere long be required, will not be delayed till this effect is produced. The importance of that decision, whenever it shall be made, to our free constitutions, is left to be discussed by those who will indulge me with the remark, that, if the militia deserves no better encouragement than it receives, its abolition by a public act would be a measure of wisdom, before an institution, calculated to produce the best moral and political impressions, shall have so far de-

teriorated, as to give it a demoralizing influence. There is nothing to be apprehended from the public decision upon this question; the difficulty is to get the subject taken into consideration. The result of this will be, none will doubt but those who would turn the militia into regular soldiers, that the militia shall be upheld, as indispensable to the preservation of civil and political liberty; and this very decision will contain such a pledge of patronage as will check the progress of dilapidation, and give time for a careful survey of its condition and wants to be made, preparatory to such amendments to the laws as the useful continuance of its establishment makes imperious.

Without again recurring to those many other considerations and advantages which have before been submitted to the public eye, and which will naturally present themselves to every considerate inquirer as resulting from the operation of a plan for improving that arm of defence, which, after its adoption, it is hoped may with truth be called "the cheap defence of nations," I cannot omit to remark upon its general accordance with those improved practices in the administration of national affairs which have lately been introduced for establishing a perfect degree of responsibility in all its organs; thus, by increasing official accountability, diminishing the public jealousy, and adding greatly to the general confidence.

The object proposed is great, the expense of the experiment trifling. Even if it were considerable, we should not fear that Congress would furnish the means, when it discovers the utility of their application. So long as no account is rendered of the arms which have been distributed at the public cost, no system of returns or accountability is provided, and no information given of the advantage which has resulted from former grants, it cannot be wondered at, that an enlargement of militia appropriations is not made. But when a plan shall be devised for the suitable instruction of the officers, and for teaching the privates, so far as they are instructed at all, upon the same uniform plan; when a perfect degree of accountability of all public property shall be established; when the files of the returns have only to be examined, and the leaves of a record book turned over by the Members of Congress, to enable them to ascertain all needed information respecting the condition of the militia in every State and Territory in the Union; when the public shall be informed that a system is proposed for the effectual preservation of their individual and political liberty at all times, and by which, when the invader approaches, a million of bayonets will be presented at a single word; he must indeed be a sceptic, who would doubt that sufficient appropriations would not freely be made to carry it into effect, and give to the militia that stability, dignity, and efficiency, which the theory of the system intends.


In truth, omitting further illustration to avoid prolixity, it seems to me, that an intelligent officer, whose duty was confined to the object, by corresponding with the officers of the militia in all parts of the Union, conversing with the Members of Congress, and other well informed individuals from the several States and Territories, and adopting those facilities for obtaining such a knowledge of local habits and necessities as his situation at the seat of Government afforded, would, in a reasonable time, be able to propose, with general concurrence, some simple provisions, by the introduction of which the militia system would soon be established on the lasting basis of utility and honor.



port to the Secretary, which was submitted to Congress, together with copies of the communications collected in virtue of the Circular.—This report, and its accompaniments, were printed; and, as it was feared, shared the fate of all the efforts which had previously been made to improve this important arm of our National defence. At a subsequent session, however, a praise-worthy effort was made by a few individual Members to revive the subject, and present it again to the consideration of Congress. The Committee on the Militia reported a Bill, based, in the main, upon data laid down in the accompanying pages. The bill was discussed, and hopes were, at one time, entertained of its becoming a law; it was however laid upon the table, and there Legislative action left the subject.

The document here presented to the consideration of the public, is one of the papers submitted to the Secretary of War, in compliance with his Circular; and was written by Gen. WILLIAM H. SUMNER, Adjutant General of the Militia of the State of Massachusetts—a gentleman pre-eminently qualified by his official station and general attainments, to do ample justice to any subject to which his inclination might lead him to devote his attention.

With a view to excite public attention to the subject, the Editor of the Military & Naval Magazine has inserted this paper in his work; but as that periodical is devoted particularly to the Army and Navy, its circulation is chiefly among gentlemen of the Military and Naval Services.—The soundness of the views entertained by Gen. S. and the lucid arguments by which those views are enforced, it is hoped will justify its presentation to the public in the shape which it now assumes, and lead to results beneficial to the great object in view. In selecting it from the documents appended to the Report of the Military Board, no disparagement is intended to those by which it was accompanied; they all contain valuable suggestions, and unite in the wish that something may speedily be done to foster and cherish an institution which otherwise seems destined to perish.



With regard to the appointment of a General Staff Officer, to be located at the Seat of Government, and be charged with all matters relating to the Militia, as suggested by Gen. S. there can be but one opinion with those who will give the matter a fair and candid consideration. It would seem almost impossible to devise any other mode by which uniformity in the returns, organization and other necessary detail, can be so effectually secured.

Whether because of the apathy which has heretofore prevailed in our National Councils on this subject, or because the Militia System is *decidedly unpopular with the people*, great efforts have been made to bring it into disrepute, by turning against it all the weapons of ridicule which human ingenuity can invent ; and it is sincerely to be regretted that this spirit has recently manifested itself in a section of the Union which has heretofore been proverbial for its veneration for, and attachment to, the laws and public institutions of the country.

There is at this time, no subject of domestic policy more deserving of Legislative attention than the re-organization and perfection of our Militia System ; no country on earth affords a better *materiel* ; and could public attention be once fairly awakened to the importance of prompt and decisive action, the benefits to the Union would be incalculable. It is not improbable that the exhibitions of the Militia which the Chief Magistrate has witnessed in our northern cities, during his recent excursion, may induce him to commend the subject to the notice of Congress at the ensuing session. A recommendation emanating from a source so practically acquainted with the importance of the institution, and so well aware of the lamentable deficiencies of the organization which now exists, could not fail to produce a corresponding action on the part of that body, and at the same time add a new item to the claim which that illustrious individual may have upon the gratitude of his country.

A friend to a well organized MILITIA.

WASHINGTON CITY, July, 1833.





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